

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;)	Civ. No. CV03 00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	PLAINTIFF WAYNE BERRY'S
vs.)	MOTION IN LIMINE TO
)	EXCLUDE EVIDENCE OF
HAWAIIAN EXPRESS SERVICE,)	PLAINTIFF WAYNE BERRY'S
INC., a California corporation; et al.)	MOTION IN LIMINE TO
)	EXCLUDE EVIDENCE OF THE
Defendants.)	LOCATION OF ATLANTIC
)	PACIFIC INTERNATIONAL,
)	INC'S BUSINESS RECORDS
_____)	

**PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE
EVIDENCE OF PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO
EXCLUDE EVIDENCE OF THE LOCATION OF ATLANTIC PACIFIC
INTERNATIONAL, INC'S BUSINESS RECORDS**

Comes now Plaintiff WAYNE BERRY, by and through his attorneys, Lynch
Ichida Thompson Kim & Hirota, and moves this Honorable Court for an order
prohibiting Defendants from making any references to, or offering any evidence
concerning the location of Atlantic Pacific International, Inc.'s ("API")'s business
records.

The Motion is brought on the grounds that the physical location of the API
records is irrelevant. Mr. Berry has been maintaining these records on behalf of

certain third parties and their physical location has no bearing on any matter before the court in this proceeding.

This motion is brought on the grounds that counsel for Fleming Companies, Inc. have sought the physical location of the API records and should not use the pretext of the trial as a device to obtain this information.

This motion is made pursuant to Rules 401 and 402 of the Federal Rules of Evidence, and is based on the memorandum of law attached hereto, the records and files herein, and such other matters as may be presented to the Court at the hearing of this matter.

Dated: Honolulu, Hawaii

JAN 3 2006


TIMOTHY J. HOGAN
Attorney for Plaintiff
Wayne Berry